

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DELILAH CUMMINGS,

Defendant.

**Affidavit Requesting  
Order of Continuance**

**22 Mag. 9611**

State of New York )  
County of New York ) ss.:  
Southern District of New York )

Rebecca T. Dell, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated November 29, 2022 with a violation of Title 18, United States Code, Sections 1343 and 2. The defendant was arrested on November 30, 2022, and was presented before Magistrate Judge Stewart D. Aaron on November 30, 2022. The defendant was represented by Richard Palma, Esq. and ordered to be released on bail subject to certain conditions.

3. On November 30, 2022, defense counsel consented to a waiver of his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within

21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until December 30, 2022 within which to file an indictment or information.

4. Defense counsel and Assistant United States Attorneys Kedar Bhatia, Derek Wikstrom, and I have had discussions regarding a possible disposition of this case. The discussions have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on December 30, 2022.

5. Therefore, the Government is requesting a 30-day continuance until January 30, 2023, to continue the foregoing discussions and reach a disposition of this matter. Defense counsel has consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: New York, New York  
December 29, 2022



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Rebecca T. Dell  
Assistant United States Attorney  
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